

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

K.O. and E.O., Jr., by and through their
parents and next friends, E.O. and L.J.; and
C.J., by and through his father and next friend
F.C.,

Plaintiffs,

v.

United States of America,

Defendant.

Civil Action No. 4:20-12015-MRG

JOINT STIPULATION CONCERNING CLASS CLAIMS

The parties, through undersigned counsel, agree as follows:

1) Plaintiffs K.O. and E.O., Jr., by and through their parents and next friends, E.O. and L.J., and Plaintiff C.J., by and through his father and next friend F.C., hereby stipulate that they will not seek class certification under Fed. R. Civ. P. 23(e) in this case.

2) The named Plaintiffs will proceed with this action to pursue their claims on an individual rather than a class-wide basis.

3) No class has been certified in this action. Therefore, neither court approval nor notice to putative class members is required. *See* Fed. R. Civ. P. 23(e)(1) (Rule 23(e) applies only to “a certified class—or a class proposed to be certified for purposes of settlement”). *See also Adams v. USAA Casualty Ins. Co.*, 863 F.3d 1069, 1082 (8th Cir. 2017); *Jackson v. Innovative Secs. Servs., LLC*, 283 F.R.D. 13, 15 (D.D.C. 2012).

Dated: May 11, 2023

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Respectfully submitted,

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By their attorneys,

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CERTIFICATE OF SERVICE

I, Lauren A. Maynard, hereby certify that this document has been filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

/s/ Lauren A. Maynard

Lauren A. Maynard

Dated: May 11, 2023